

**Town of Lincoln  
100 Old River Road, Lincoln RI  
Zoning Board of Review**

**January 5, 2010 Minutes**

**Present: Jina Karampetsos Chair, John Bart Vice Chair, Bernard McNamara, David DeAngelis, Raymond Trabulsi, Mark Enander, Attorney Joelle C. Sylvia (Town Solicitor Office)**

**Minutes**

**Motion made by Member Enander to accept the December 2009 Minutes as presented. Motion seconded by Member Bart. Motion carried with a 5-0 vote.**

**Correspondence**

**None**

**Applications:**

**Bala & Jayne Sundaram, 16 Harris Avenue, Lincoln, RI – Application for Dimensional Variance seeking front and side yard setbacks for the construction of an addition.**

**AP 27, Lot 34 Zoned: R 40**

**Represented by: Scott Partington, Esquire**

**Chair read into the record standards that need to be met for a**

**Dimensional Variance. Member DeAngelis sat on this application with full privileges.**

**This application was continued from the March 2009 and October 2009 agendas. This is a single family dwelling on 1.8 acres of land in an R 40 zone. The proposed addition is 24'24' with a 2-car garage and will be located on the west side of the property. Applicants have revamped and reduced the original requested relief. The Technical Review Committee was concerned about wetlands on the property and applicants have received DEM correspondence regarding same. Submitted into the record: Exhibit #1 DEM letter; Exhibit #2 survey; Exhibit #3 floor plans of proposed addition; and Exhibit #4 new plans submitted to the Board for review on January 5, 2010. East side of the property encroaches onto the side yard and the proposed addition would continue on the house line. They no longer need relief on the west side just the front and east side of the property.**

**Witness:**

**Bala Sandaram (Owner/Applicant)**

**They have two teenage sons and have been living at the address for the past three years. Current size of house is 1,795 sq.ft. Proposed addition is 1,152 sq.ft. and 2-car garage is 511 sq.ft. They are also proposing construction of a wrap around deck from front of house to the rear. Proposed addition will consist of a kitchen/dining area/living room on the first floor and bedrooms and library area on the second floor. They are currently utilizing an existing kitchen in the basement.**

**They are asking for the least relief necessary.**

**Chair asked if the addition will create a new second floor to existing house and applicant replied “no”. They will add a dummy dormer to the existing house for esthetic purposes. There will be no additional living space. Chair then asked if they needed height relief and attorney replied “no”. Chair then stated that Exhibit #2 (original plan) did not match the new plan (Exhibit #4). Attorney replied that Exhibit #4 was the accurate plan. Chair then informed him that Exhibit #4 did not have all the dimensions listed and if relief were granted it would have to be 100% accurate. Chair further stated she would like to see accurate dimensions indicated on Exhibit #4. Would applicant be agreeable to continuing the application and returning with accurate dimensions listed on the plans. Attorney and applicants stated they had no problems returning for the February agenda.**

**Member DeAngelis will sit on this application when it is heard on February 2, 2010.**

**Motion made by Member Bart to continue the application to the February 2, 2010 agenda so applicant can return with accurate dimensions listed on proposed new plans. Motion seconded by Member Enander. Motion carried with a 5-0 vote.**

**Kurt Badynski and Karen Cotter, 154 Chestnut Street, Manville, Rhode Island – Application for Dimensional Variance requesting front yard**

**relief for the construction of an addition.**

**AP 35, Lot 39 Zoned: RL-9**

**Russell Hervieux, Zoning Official informed the Board that two notices were returned. The address on one notice matches Town records but the other did not. He notified applicant of the return. Karen Cotter informed the Board that she spoke with Mr. Hervieux and Mr. Badynski hand delivered a notice to Pierre Gendron who accepted the notice and signed for its receipt – proper notice was served.**

**Chair read into the record standards that need to be met for a Dimensional Variance.**

**Applicants submitted into the record new floor plans (Exhibit #1) and photos of the site (Exhibit #2). Proposed addition will upgrade the existing house. They plan on adding on a laundry room and deck. There is an inground pool at the site but they have no access to the back yard. Mr. Hervieux informed the Board that the pool and any existing structures on the lot cannot exceed 25% lot coverage. Chair stated lot coverage may be a problem and applicants would have to return before the Board if all structures exceed the 25% lot coverage issue. Chair also inquired if siding, windows and room of addition will match existing house and applicants replied in the affirmative.**

**No opposition present.**

**Chair read into the record TRC/Planning Board recommendation:**

**Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The proposed dimensional variance is to clear up a pre-existing nonconformance of this parcel of land. This record lot was platted before present day zoning regulations. The Planning Board recommends Approval of this application. The Planning Board finds that the relief requested will not alter the general character of the surrounding area or impair the intent or purpose of the Lincoln Zoning Ordinance or the Lincoln Comprehensive Plan. However, the Planning Board has a concern about lot coverage. The Board noticed a garage and in ground pool on the property. These structures count in the calculation of lot coverage. The submitted plan should have shown the garage and pool so a calculation could have been checked against our regulations. The Planning Board feels that the property is below the stated lot coverage limit but would have like to check this measurement.**

**Motion made by Member DeAngelis to grant 19 feet relief on the existing Birch Street property; 18 feet on the Birch Street side; and 15 feet front relief on Chestnut Street. He further stated:**

- The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not due to the general characteristics of the surrounding area and is not due to a physical or economic disability of the applicant.**

- The hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain.
- The granting of this variance will not alter the general character of the surrounding area or impair the intent or purpose of the Lincoln Zoning Ordinance or the Lincoln Comprehensive Plan.
- The relief requested is the least relief necessary.
- The hardship amounts to more than a mere inconvenience.

**Motion seconded by Chair Karampetsos. Motion carried with a 5-0 vote.**

**Great Road Realty LLC, 571 Middle Road, Colchester, VT –  
Application for Extension of Decision  
rendered by the Zoning Board for a Dimensional Variance pending  
planning approval.**

**AP 23, Lot 51 Zoned: RS-20**

**No one present for application. Motion made by Member Enander to  
continue the application to the February 2, 2010 agenda.  
Correspondence will be sent to applicant informing them of the  
continuance. Motion to continue seconded by Member McNamara.  
Motion carried with a 5-0 vote.**

**Motion made by Member Bart to adjourn the meeting. Motion  
seconded by Member Trabulsi. Motion carried with a 5-0 vote.**

**Respectfully submitted,**

**Ghislaine D. Therien**